

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEP 17 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

Jamie Osuna BD0868
PO Box 3476
CSP-COR
Corcoran, CA 93212
Non-Party Intervenor/Real
Party in Interest.

No. 1:20-cv-00323-LHR-BAM

v.

Dora Solares,

Plaintiff,

v.

Diaz, et al

Defendants.

**THIRD-PARTY OBJECTION AND MOTION
TO QUASH SUBPOENAS AND FOR
PROTECTIVE ORDER: IMPROPER
ATTEMPT TO COMPEL SEALED
CRIMINAL AND MENTAL HEALTH
RECORDS IN VIOLATION OF
CONSTITUTIONAL RIGHTS**

RECEIVED

SEP 17 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Third party Mr. Osuna, by and through his filings and
objections, respectfully challenges Plaintiff's counsel's attempt
to compel disclosure of his privileged mental health records in
this wrongful death civil action.

I. INTRODUCTION

Plaintiff's attorney, Erin Darling, contends that Mr. Osuna
waived his psychotherapist-patient privilege via the filings of
unrelated §1983 action. On that basis, Darling now seeks to use
or compel disclosure of Osuna's mental health records in this
separate wrongful death case.

This argument is unfounded. The privilege belongs solely to
Osuna, who is not a party to this litigation. Osuna has filed
multiple objections, notices, and requests regarding his

1 privilege, which the Court has docketed but disregarded,
2 continuing to make rulings on his confidential records without
3 allowing him to participate.

4 Moreover, the Office of the Inspector General (OIG) and the
5 Office of Internal Affairs (OIA) remain bound by sealing orders
6 entered in the parallel criminal proceedings. Federal courts have
7 no authority to compel state agencies to disregard such criminal
8 court orders. See *Younger v. Harris*, 401 U.S. 37, 43-44 (1971)
9 (federal courts must refrain from interfering in state criminal
10 proceedings); *United States v. Nixon*, 418 U.S. 683, 691-92 (1974)
11 (valid judicial orders control disclosure of sensitive
12 materials). Accordingly, OIG and OIA may lawfully decline to
13 comply with subpoenas in this matter where compliance would
14 contravene the state court's sealing orders. Such obedience
15 cannot constitute contempt. See *United Mine Workers v. Bagwell*,
16 330 U.S. 258, 294 (1947) (contempt requires violation of a valid
17 and applicable order).

18 Compounding the problem, Osuna is currently facing capital
19 homicide prosecution. His defense team is actively relying on the
20 mental health records at issue here as potential mitigation
21 evidence and protected work product. Disclosure in this civil
22 case would irreparably prejudice his constitutional rights.

23 II. LEGAL STANDARD

- 24 • **Psychotherapist-Patient Privilege:** Recognized under federal
25 common law. *Jaffee v. Redmond*, 518 U.S. 1, 15 (1996).
- 26 • **Waiver:** Only the privilege holder may waive. *United States*
27 *v. Amlani*, 169 F.3d 1189, 1195 (9th Cir. 1999). Waiver is
28 not global and must be construed narrowly. *Bittaker v.*

1 *Woodford*, 331 F.3d 715, 720-21 (9th Cir. 2003) (en banc).

- 2 • **Due Process:** Individuals whose rights are adjudicated must
3 be given notice and an opportunity to be heard. *Mathews v.*
4 *Eldridge*, 424 U.S. 319, 333 (1976).
- 5 • **Protective Orders:** Courts may restrict discovery to protect
6 non-parties from prejudice. Fed. R. Civ. P. 26(c).

7. || **III. ARGUMENT**

8 **A. Privilege Belongs Exclusively to Osuna**

9 The Supreme Court has made clear that the psychotherapist-
10 patient privilege belongs to the patient, not to opposing counsel
11 or other litigants. *Jaffee v. Redmond*, 518 U.S. at 15. Erin
12 Darling cannot waive Osuna's privilege on his behalf.

13 Osuna has not authorized waiver in this wrongful death
14 matter. To the contrary, he has consistently asserted his
15 privilege through objections and notices. Under binding
16 precedent, only Osuna can waive, and he has not done so. *Amlani*,
17 169 F.3d at 1195.

18 B. Limited Disclosure in a Separate Case Does Not Create
19 Global Waiver

20 The Ninth Circuit has rejected "global waiver" theories,
21 holding that waiver must be limited "to the extent fairness
22 requires." *Bittaker*, 331 F.3d at 720-21.

23 Darling's attempt to use any disclosure in one case to erase
24 privilege in a wholly different lawsuit is legally impermissible.

25 C. Osuna Has Been Denied a Meaningful Opportunity to Be
26 Heard

27 Although Osuna has filed multiple objections regarding his
28 privilege, the Court has continued to issue rulings on his

1 confidential records without affording him standing or meaningful
2 participation. This violates due process. *Mathews v. Eldridge*,
3 424 U.S. at 333.

4 Courts cannot adjudicate an individual's privilege rights
5 behind his back. Doing so undermines the integrity of the
6 proceedings and deprives Osuna of the protections guaranteed
7 under law.

8 **D. The Parallel Capital Case Demands Heightened Protection**

9 Osuna is a defendant in a pending capital prosecution. His
10 defense team is actively relying on the mental health records at
11 issue here as potential mitigation evidence and protected work
12 product. Disclosure in this civil case risks:

- 13 • Tainting the jury pool in the criminal trial (*Sheppard v.*
14 *Maxwell*, 384 U.S. 333, 362-63 (1966));
- 15 • Revealing defense strategy in violation of the Sixth
16 Amendment (*Weatherford v. Bursey*, 429 U.S. 545, 554 n.4
17 (1977)); and
- 18 • Creating structural error requiring reversal if prosecution
19 gains access to privileged defense materials (*Bittaker*, 331
20 F.3d at 722).

21 The Attorney General has already acknowledged this risk by
22 requesting that the civil matter be stayed until after the
23 criminal trial. Yet the Court has disregarded this and proceeded,
24 compounding the prejudice.

25 **E. Protective Relief Is Necessary**

26 Given these circumstances, the Court should issue a
27 protective order under Rule 26(c) to:

- 28 1. Confirm that any waiver in the unrelated \$1983 case does not

- 1 extend to this wrongful death matter;
- 2 2. Prohibit Plaintiff's counsel from seeking or using Osuna's
- 3 privileged mental health records here;
- 4 3. Seal any privileged records already filed in this action;
- 5 and
- 6 4. Stay further rulings on Osuna's records until resolution of
- 7 his parallel criminal case 19CM-1882.

8 **F. Civil Discovery Is Being Misused to Undermine**
9 **Osuna's Criminal Defense**

10 This civil action has become a vehicle for improper
11 intrusion into Mr. Osuna's criminal defense. One of the
12 defendants in this case, Defendant Burnes, is also a State
13 witness against Osuna in his pending capital trial, and an
14 alleged victim in another felony charge. By pressing for
15 disclosure of privileged OIG/OIA records, interrogation
16 notes, and mitigation materials in this civil forum, Burnes
17 and other prison officials would gain premature access to
18 defense information that is not discoverable in the criminal
19 felony proceedings.

20 This tactic operates in effect as a trial by proxy,
21 using civil discovery to circumvent criminal discovery
22 protections. The Constitution forbids such end-runs. See
23 *Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977)
24 (recognizing Sixth Amendment violation where State intrudes
25 into defense strategy); *Bittaker v. Woodford*, 331 F.3d 715,
26 722 (9th Cir. 2003) (waiver in one case cannot prejudice
27 defense in another).

28 **G. Premature Access by Witness Burnes, Who Also Claims**

Victim Status in a Separate Felony Case

Defendant Burnes is not only a party to this civil action but also a State witness in Osuna's pending capital prosecution and the alleged victim in a separate felony case. Allowing him to review OIG/OIA reports, interrogation notes, or mitigation-related materials through this civil proceeding would provide access to defense information across two criminal cases in which his roles are directly adverse to Osuna.

This creates an intolerable risk of witness contamination and unfair prejudice. See *Napue v. Illinois*, 360 U.S. 264, 269 (1959); *Geders v. United States*, 425 U.S. 80, 89 (1976); *Sheppard v. Maxwell*, 384 U.S. 333, 362-63 (1966). By compelling disclosure here, the Court risks granting Burnes unauthorized access to materials sealed in criminal court, undermining Osuna's rights in both prosecutions.

Moreover, although Burnes remains a CDCR employee, he has no legitimate access to OIG or OIA investigative reports, interrogation records, or mitigation materials. Those documents are protected by privilege, protective orders, and sealing orders in the criminal case. The only avenue by which Burnes could review them is through this civil discovery process--an end-run around criminal protections.

Granting such access would also enable Burnes and other defendants, all named as parties in this civil action arising from the same incident underlying the criminal

1 proceedings, to collaborate and study privileged defense
2 materials. This coordinated access is tantamount to
3 providing prosecution witnesses with sealed criminal
4 discovery in advance of trial. Such a result violates due
5 process and the constitutional guarantee of a fair trial.
6 See *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211
7 (9th Cir. 2002); *Kelly v. City of San Jose*, 114 F.R.D. 653,
8 660 (N.D. Cal. 1987).

9 **H. Burnes and Other Defendants Cannot Obtain OIG/OIA**
10 **Records Through Employment or Criminal Discovery**

11 Although Burnes remains a CDCR employee, he has no
12 lawful access to OIG or OIA investigative reports,
13 interrogation records, or mitigation materials. Those
14 documents are protected by criminal court sealing orders,
15 privileges, and protective orders. The only way Burnes could
16 review them is through this civil litigation, making the
17 discovery requests here a transparent end-run around
18 criminal protections.

19 Granting such access would also allow Burnes and other
20 civil defendants, all connected to the incident underlying
21 the criminal case, to collaborate and study privileged
22 defense materials. This coordinated access amounts to giving
23 prosecution witnesses and potential adversaries early and
24 **unauthorized discovery** of sealed criminal evidence.

25 Courts have consistently held that protective orders
26 and law enforcement privileges cannot be circumvented in
27 this way. *Phillips v. General Motors Corp.*, 307 F.3d 1206,
28 1211 (9th Cir. 2002) (protective orders must be enforced);

1 *Kelly v. City of San Jose*, 114 F.R.D. 653, 660 (N.D. Cal.
2 1987) (law enforcement investigatory privilege bars civil
3 access to sensitive investigative files).

4 This Court should not permit civil discovery to provide
5 State witnesses and alleged victims with access to materials
6 that even their employment and criminal discovery rules
7 forbid.

8 **I. Ineffective Federal Protective Orders and Trial by**
9 **Proxy Through Media Exposure**

10 Plaintiff's counsel Erin Darling has argued that the
11 federal court has gone over and beyond to protect the
12 disputed OIG/OIA records through civil protective orders. In
13 practice, however, those protective orders fall far short of
14 the protections imposed by the criminal court's seal.

15 Unlike true sealing orders, which bar public access,
16 the protective orders in this civil case merely designate
17 materials as "attorneys' eyes only" while still allowing
18 filings and descriptions to appear on PACER, accessible to
19 the media and the public. As a result, sensitive content
20 from criminal investigative materials, including Osuna's
21 interrogation interview, has been described, interpreted,
22 and disseminated in public filings. Both Plaintiff's counsel
23 and the Attorney General have openly discussed the contents
24 of such materials, effectively placing them in the public
25 record.

26 Indeed, outlets such as Courthouse News Service have
27 reported on this case, quoting Darling's statements about
28 Osuna and amplifying prejudicial interpretations of

1 privileged or sealed materials. This media dissemination
2 demonstrates that the current protective order regime is
3 insufficient to safeguard Osuna's constitutional rights.

4 The Supreme Court has repeatedly warned that
5 prejudicial publicity and improper disclosure can deprive a
6 defendant of a fair trial. *Sheppard v. Maxwell*, 384 U.S.
7 333, 362-63 (1966) (courts must prevent publicity that
8 compromises the fairness of criminal trials). Here, the
9 civil forum is being used as a vehicle to conduct a trial by
10 proxy, with Darling and others using public filings to
11 disseminate prejudicial information that would remain sealed
12 in the criminal case.

13 This civil discovery has been applied in a manner
14 inconsistent with protective orders violates Osuna's rights
15 under the Sixth and Fourteenth Amendments. Allowing public
16 access through PACER, and media amplification of the
17 contents of privileged records, directly undermines the
18 impartiality of the future criminal jury pool and
19 contaminates Osuna's ability to receive a fair trial.

20 Further, Plaintiff's counsel has referred to Osuna in
21 public filings and proceedings as a "psychopath," and has
22 made other statements that risk prejudicing the presumption
23 of innocence outside the confines of a criminal trial. Such
24 labels and assertions, when amplified through PACER access
25 and media coverage, erode the presumption of innocence
26 guaranteed to every criminal defendant. See *Estelle v.*
27 *Williams*, 425 U.S. 501, 503 (1976); *Gentile v. State Bar of*
28 *Nevada*, 501 U.S. 1030, 1074-75 (1991).

1 The danger is heightened because filings from this
2 civil case were referenced during Plaintiff's counsel
3 Darling's competency-related proceedings in the criminal
4 court. This demonstrates how Darling's civil litigation
5 tactics have already caused crossover into the criminal
6 forum, underscoring the risk that dissemination of
7 privileged or sealed materials through PACER undermines both
8 the impartiality of the future jury pool and the fairness of
9 related judicial proceedings.

10 The Constitution requires that criminal guilt be
11 determined in a court of law, not in the media or through
12 civil litigation filings. The use of civil discovery and
13 public filings to brand Osuna, prejudge guilt, and expose
14 privileged materials constitutes a trial by proxy, in direct
15 violation of his rights under the Sixth and Fourteenth
16 Amendments. See *Sheppard v. Maxwell*, 384 U.S. 333, 362-63
17 (1966).

18 Plaintiff's counsel has even gone so far as to suggest
19 that the federal court went over and beyond in attempting to
20 protect the disputed records, while at the same time blaming
21 that court for seeking materials and claiming it directed
22 him to pursue them. These arguments reflect a fundamental
23 failure to respect the jurisdictional boundaries between
24 civil and criminal proceedings. The sealing orders entered
25 by the criminal court control these records; this Court
26 cannot override them by rebranding disclosure as a civil
27 discovery matter. See *Younger v. Harris*, 401 U.S. 37 (1971)
28 (federal courts must respect the jurisdiction of state

1 criminal proceedings).

2 Moreover, by making these statements in public filings,
3 Darling has again exposed prejudicial content and
4 interpretations to PACER and to the media, which is
5 inconsistent with the standards of true criminal court
6 sealing orders. Unlike a genuine seal, the federal
7 protective orders here have allowed Darling to describe
8 records on the public docket, thereby compounding prejudice.

9 **J. The Civil Case Should Be Postponed Until Completion**
10 **of the Criminal Trial to Prevent Jury Pool Contamination**

11 This Court should give due consideration to postponing
12 the civil proceedings until Osuna's capital criminal case
13 has concluded. The risk of prejudice is acute because both
14 cases draw from the same local jury pool. By allowing
15 premature release and public discussion of OIG/OIA reports,
16 interrogation materials, and other privileged records in
17 this civil case, Plaintiff's counsel Darling has already
18 caused, and will continue to cause, serious prejudice to
19 Osuna's right to an impartial jury in his pending
20 prosecution.

21 Although materials may be designated for "attorneys'
22 eyes only," Darling has repeatedly described their contents
23 in open court, in filings accessible on PACER, and before
24 media outlets. Any future jury empaneled in this civil
25 matter will hear Darling's interpretations of privileged
26 criminal materials, further amplifying prejudicial
27 narratives. At the same time, those same jurors will be
28 drawn from the pool Osuna must rely upon for his capital

1 case.

2 Darling and Defendants cannot dismiss this prejudice by
3 suggesting Osuna may seek a change of venue in the criminal
4 case. Such a motion is not guaranteed to succeed, and courts
5 may deny transfer requests. See *Skilling v. United States*,
6 561 U.S. 358, 381-82 (2010) (change of venue not automatic
7 even with extensive publicity). Moreover, even if granted,
8 widespread and persistent media coverage risks contaminating
9 jury pools beyond the local county, undermining Osuna's
10 rights regardless of venue. See *Rideau v. Louisiana*, 373
11 U.S. 723, 726-27 (1963) (due process violated where
12 pervasive pretrial publicity prejudiced jury pool).

13 This overlap creates an impermissible risk that Osuna's
14 jury will be exposed, directly or indirectly, to prejudicial
15 interpretations of sealed materials before his trial even
16 begins. Such premature exposure impedes Osuna's Sixth
17 Amendment right to a fair and impartial jury. See *Sheppard*
18 *v. Maxwell*, 384 U.S. 333, 362-63 (1966).

19 For these reasons, principles of due process and
20 fundamental fairness require that this civil action be
21 postponed until after the criminal proceedings have
22 concluded, so that the jury pool for Osuna's trial remains
23 uncontaminated.

24 **K. Plaintiff Has Not Put Osuna's Mental Health at Issue**

25 Across multiple amended complaints, Plaintiff's counsel
26 Erin Darling has never alleged that Osuna's mental health
27 was a basis for liability in this wrongful death action.
28 Instead, he has repeatedly described Osuna merely as a

1 "psychopath." That is not a medical or psychiatric
2 diagnosis.

3 Indeed, "psychopathy" is not recognized as a mental
4 disorder in the Diagnostic and Statistical Manual of Mental
5 Disorders (DSM-5), the controlling psychiatric
6 classification. See also *United States v. Stitt*, 250 F.3d
7 878, 884 (4th Cir. 2001) (recognizing psychopathy as
8 distinct from mental illness). Darling's own framing
9 confirms that Osuna's mental health has not been put at
10 issue and thus his privilege remains intact.

11 **L. The Romero Grievance Confirms Mental Health Is**
12 **Irrelevant Here**

13 Plaintiff has also alleged that Romero filed a
14 grievance but has not produced it or connected it to Osuna's
15 mental health. This omission underscores that the civil case
16 is not about Osuna's psychiatric condition but about the
17 conduct of prison officials. Thus, privilege cannot be
18 deemed waived in this matter.

19 **M. Obedience to Criminal Court Seals Cannot Be Punished**
20 **as Contempt**

21 OIG and CDCR are bound by the criminal court's sealing
22 orders. Compliance with those orders cannot subject them to
23 contempt in this civil action. See *United Mine Workers*, 330
24 U.S. at 294 (contempt requires violation of a valid,
25 applicable order). Here, the only valid and controlling
26 orders are those of the criminal court.

27 To hold these agencies liable for honoring the criminal
28 court's seals would violate principles of comity and exceed

1 this Court's authority. See *Younger v. Harris*, 401 U.S. 37
2 (1971).

3 **N. Plaintiff's Counsel's Tactics Constitute Improper**
4 **Circumvention and Threaten Constitutional Rights**

5 By seeking in this civil matter what he could not
6 obtain from the criminal court, Plaintiff's counsel Erin
7 Darling is attempting an impermissible end-run around
8 established criminal protections. This tactic risks
9 contaminating the criminal trial, providing State witnesses
10 with access to sealed materials, and intruding on defense
11 strategy, all in violation of the Sixth and Fourteenth
12 Amendments. See *Weatherford*, 429 U.S. at 554 n.4; *Bittaker*,
13 331 F.3d at 722.

14 Darling's approach risks intruding upon criminal
15 evidence and interfering with the integrity of witnesses
16 under the guise of civil discovery, risking due process
17 violations in a pending capital case.

18 Plaintiff's counsel's position also improperly shifts
19 blame to the federal court, portraying it as the source of
20 authority to pursue sealed criminal materials, when in fact
21 jurisdiction lies solely with the criminal court that issued
22 the seal. Any attempt to sidestep those orders in this civil
23 forum disregards the limits of federal jurisdiction and
24 intrudes upon criminal proceedings where Osuna's liberty and
25 constitutional rights are at stake.

26 **O. Escalation to Appellate, Criminal, and Civil**
27 **Remedies**

28 If this Court persists in compelling disclosure of

1 sealed OIG/OIA, mental health, inter alia records, Mr. Osuna
2 will have no choice but to seek immediate relief from higher
3 courts, including the Ninth Circuit through mandamus or
4 interlocutory appeal, as well as from the state criminal
5 court that issued the sealing orders. See *Bauman v. U.S.*
6 *Dist. Court*, 557 F.2d 650, 654 (9th Cir. 1977).

7 Further, Mr. Osuna expressly reserves his right to
8 pursue separate civil actions against any parties who
9 knowingly attempt to circumvent criminal court orders or
10 intrude upon his constitutionally protected privileges. Such
11 conduct may give rise to claims under 42 U.S.C. § 1983 for
12 violation of due process, Sixth Amendment rights, and
13 unlawful interference with the criminal defense process.

14 **P. Plaintiff's Counsel Has Failed to Justify Waiver of**
15 **Privileges Over Third-Party Constitutional Rights**

16 Plaintiff's counsel Erin Darling has never explained,
17 nor could he, how forcing waiver of Osuna's privileges could
18 outweigh Osuna's constitutional rights to a fair and
19 impartial jury trial in his pending capital prosecution.
20 Courts have consistently held that privileges, particularly
21 the psychotherapist-patient privilege, are absolute and not
22 subject to balancing against generalized civil discovery
23 interests. *Jaffee v. Redmond*, 518 U.S. 1, 17 (1996).

24 Even if Darling could argue relevance, Osuna is not a
25 party to this civil action. His privileged mental health
26 records are relied upon in his criminal defense, and
27 disclosure here would irreparably taint that process. See
28 *Bittaker v. Woodford*, 331 F.3d 715, 720-22 (9th Cir. 2003)

(waiver must be narrowly confined, not global).

Q. Darling's Tactics Constitute Impermissible Fishing Expeditions

Darling repeatedly argues that because others have seen documents, including OIG reports, he should be entitled to comb through them as well, even absent any showing of need. This is improper. The Supreme Court has held that discovery cannot be used as a tool for harassment or for wide-ranging fishing expeditions. *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 34 (1984); *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978).

Civil discovery rules do not authorize blind combing through sealed criminal investigative files merely on the theory that something might be there.

R. Misrepresentations and Shifting Allegations Confirm Abuse

Darling has also engaged in evolving and inconsistent claims to justify his discovery tactics:

- He alleged Osuna had a lot of in-cell violence, yet cited only a single incident from 2012 in county jail, far removed from CDCR's jurisdiction and inconsistent with his broad claims.
- He has repeatedly referenced a grievance by Romero but has failed to produce it, later attempting to shift his narrative when it did not support his claims.

This conduct demonstrates an abuse of the discovery process. Courts have inherent authority to sanction such bad faith tactics. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46

(1991); *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980).

S. Civil Discovery Cannot Undermine Constitutional Rights

Darling's pattern of misuse seeks to leverage civil discovery to obtain materials shielded in a criminal proceeding, thereby undermining Osuna's Sixth and Fourteenth Amendment rights. Civil litigants' interest in combing through documents cannot outweigh a defendant's right to a fair trial and impartial jury in a capital case. See *Sheppard v. Maxwell*, 384 U.S. 333, 362-63 (1966); *Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977).

IV. CONCLUSION

For the foregoing reasons, Osuna respectfully objects to Plaintiff's counsel's claim of global waiver and requests that the Court:

1. Recognize that Osuna retains his psychotherapist-patient privilege;
2. Reject Plaintiff's counsel's attempt to compel disclosure;
3. Enter a protective order preserving privilege and sealing any records already filed; and

September 16, 2025,

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jamie Osuna".

p.p. Jamie Osuna

Certificate of Service

THIRD-PARTY OBJECTION AND MOTION TO QUASH SUBPOENAS AND FOR PROTECTIVE ORDER: IMPROPER ATTEMPT TO COMPEL SEALED CRIMINAL AND MENTAL HEALTH RECORDS IN VIOLATION OF CONSTITUTIONAL RIGHTS

I, Jamie Osuna, declare:

1. I am an incarcerated, pro se non-party at CSP–Corcoran, and I am not a registered CM/ECF participant.
2. Prison officials have refused to e-process legal filings beyond original conditions of confinement complaints. I therefore cannot serve parties directly by e-filing.
3. On September 16, 2025, this filing was addressed and sent through USPS to the United States District Court, Eastern District of California, for docketing.
4. Pursuant to Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 135, I respectfully request that the Clerk of Court serve all registered CM/ECF participants in this case through the Court's electronic filing system, as I cannot effectuate service otherwise.
5. I previously filed motions requesting alternative service through the Clerk and CM/ECF, which remain pending. This certificate is submitted to preserve my rights and ensure service through the Court's system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 16, 2025,

Respectfully submitted,



Jamie Osuna, BD0868
CSP–Corcoran
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